



AN ACT ELIMINATING VIOLATIONS OF SIZE, WEIGHT, AND LOAD RESTRICTIONS AS VIOLATIONS THAT RESULT IN AN OFFENDER ACCUMULATING POINTS TOWARDS A HABITUAL OFFENDER DESIGNATION; AND AMENDING SECTION 61-11-203, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-11-203, MCA, is amended to read:

"61-11-203. Definitions. As used in this part, the following definitions apply:

- (1) "Conviction" has the meaning provided in 61-5-213.
- (2) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in this subsection:
 - (a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;
 - (b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or negligent vehicular assault, 12 points;
 - (c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;
 - (d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.08 or more, 10 points;
 - (e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;
 - (f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as described in 61-7-105, 8 points;
 - (g) willful failure of the driver involved in an accident resulting in property damage of \$250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law, 4 points;
 - (h) reckless driving, 5 points;

- (i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;
 - (j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;
 - (k) operating a motor vehicle without a license to do so, 2 points. However, this subsection (2)(k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired.
 - (l) speeding, except as provided in 61-8-725(2), 3 points;
 - (m) all other moving violations, 2 points.
- (3) There may not be multiple application of cumulative points when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant.
- (4) "License" means any type of license or permit to operate a motor vehicle.
- (5) "Moving violation" means a violation of a traffic regulation of this state or another jurisdiction by a person while operating a motor vehicle or in actual physical control of a motor vehicle upon a highway.
- (6) A traffic regulation includes any provision governing motor vehicle operation, equipment, safety, ~~size, weight, and load restrictions~~ or driver licensing. A traffic regulation does not include provisions governing vehicle registration or local parking."

- END -

I hereby certify that the within bill,
SB 0319, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2009.

Speaker of the House

Signed this _____ day
of _____, 2009.

SENATE BILL NO. 319

INTRODUCED BY KEANE, HENDRICK, WINDY BOY

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